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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.	
09/966,802	09/28/2001	Arthur Sheiman	024/46	3100	
8791	7590 05/23/2005		EXAM	EXAMINER	
BLAKELY SOKOLOFF TAYLOR & ZAFMAN			MALZAHN	MALZAHN, DAVID H	
12400 WILS	SHIRE BOULEVARD FLOOR		ART UNIT	PAPER NUMBER	
LOS ANGE	LES, CA 90025-1030		2193		
			DATE MAIL ED: 05/23/2004	ς.	

Please find below and/or attached an Office communication concerning this application or proceeding.

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## Advisory Action

Application No.	Applicant(s)	
09/966,802	SHEIMAN ET AL.	
Examiner	Art Unit	
David H. Malzahn	2193	

The MAILING DATE of this communication appears on the cover sheet with the correspondence address  THE REPLY FILED 01 April 2005 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.  1. ☑ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:  a) ☐ The period for reply expiresmonths from the mailing date of the final rejection.  b) ☑ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.  Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).  NOTICE OF APPEAL	7.47.00.97.00.01	00/000,002	SHEIND WELL AL.					
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Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 70507(f).  Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee under 37 CFR 1.17(a) is calculated from; (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (5 CFR 1.17(a) is calculated from; (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (5 CFR 1.17(a) is calculated from; (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (5 CFR 1.17(a) is calculated from; (1) the expiration of the calculation of the calculation of the set of the final original set of the final set of the final set of the final set of the	b) The period for reply expires on: (1) the mailing date of this Adv	risory Action, or (2) the date set forth in th	e final rejection, whicheve	r is later. In no				
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<ul> <li>2. ☐ The Notice of Appeal was filed on A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filling the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(a)), ou vaid dismissal of the appeal. Since a Notice of Appeal has been filled, any reply must be filed within the time period set forth in 37 CFR 41.37(a).</li> <li>AMENDMENTS</li> <li>3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filling a brief, will not be entered because (a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below); (b) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or (d) ☐ They are not deemed to place the application in better form for appeal by materially rejected claims. NOTE: (See 37 CFR 1.116 and 41.33(a)).</li> <li>4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).</li> <li>5. ☐ Applicant's reply has overcome the following rejection(s): would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s): would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s): would be rejected is provided below or appended. The status of the claim(s) is; (or will be) as follows: Claim(s) ejected:</li></ul>	been filed is the date for purposes of determining the period of extension a CFR 1.17(a) is calculated from: (1) the expiration date of the shortened stabove, if checked. Any reply received by the Office later than three month earned patent term adjustment. See 37 CFR 1.704(b).	and the corresponding amount of the fee. atutory period for reply originally set in the	The appropriate extensio final Office action; or (2)	n fee under 37 as set forth in (b)				
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<ul> <li>Newly proposed or amended claim(s) would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).</li> <li>For purposes of appeal, the proposed amendment(s): a)  will not be entered, or b) will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended. The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:</li></ul>			ompliant Amendment	(PTOL-324).				
how the new or amended claims would be rejected is provided below or appended.  The status of the claim(s) is (or will be) as follows:  Claim(s) allowed:  Claim(s) objected to:  Claim(s) rejected:  Claim(s) withdrawn from consideration:  AFFIDAVIT OR OTHER EVIDENCE  8. The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).  9. The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).  10. The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.  REQUEST FOR RECONSIDERATION/OTHER  11. The request for reconsideration has been considered but does NOT place the application in condition for allowance because: while Sakata et al is only a single physical filter at time A it is a first filter and at time B it is a second filter  12. Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper Nd(s).	6. Newly proposed or amended claim(s) would be a		, timely filed amendm	ent canceling				
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<ul> <li>8.  The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).</li> <li>9.  The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing a good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).</li> <li>10.  The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached. REQUEST FOR RECONSIDERATION/OTHER</li> <li>11.  The request for reconsideration has been considered but does NOT place the application in condition for allowance because: while Sakata et al is only a single physical filter at time A it is a first filter and at time B it is a second filter</li> <li>12.  Note the attached Information Disclosure Statement(s). (PTO/SB/08 or PTO-1449) Paper No(s).</li> <li>13.  Other:</li></ul>								
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Primary Examiner Art Unit: 2193	12. Note the attached Information Disclosure Statement(s).		Nd(s).  David H. Malzahn  Primary Examinar	-le				